

**JUDGE PATTERSON**

CHALOS, O'CONNOR & DUFFY, LLP

Attorneys for Plaintiffs,

MARTHA RUSS SCHIFFAHRTS and

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Owen F. Duffy (OD-3144)

George E. Murray (GM-4172)

**08 CV 4410**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARTHA RUSS SCHIFFAHRTS, as owner, and  
ERNST RUSS GMBH & CO KG, as manager of  
the MV MARTHA RUSS,

Plaintiffs,

v.

CHINA CHIANGJANG NATIONAL SHIPPING  
CORPORATION JIANGDONG SHIPYARD

Defendant.

08 CV \_\_\_\_ (\_\_\_\_)

**ATTORNEY'S AFFIDAVIT  
THAT DEFENDANT  
CANNOT BE FOUND  
WITHIN THE DISTRICT**

-----X  
STATE OF NEW YORK :

: ss.

COUNTY OF NASSAU :

This affidavit is executed by the attorney for the Plaintiffs MARTHA RUSS  
SCHIFFAHRTS and ERNST RUSS GMBH & CO KG (hereinafter "PLAINTIFFS"), in  
order to secure the issuance of a Summons and Process of Attachment and Garnishment  
in the above-entitled, *in personam*, Admiralty cause.

Owen F. Duffy, being first duly sworn, deposes and states:

1. I am a partner of the firm of Chalos, O'Connor & Duffy LLP representing  
PLAINTIFFS in this case.

2. I have personally inquired or have directed inquiries into the presence of Defendant CHINA CHANGJIANG NATIONAL SHIPPING CORPORATION JIANGDONG SHIPYARD (hereinafter "CSC") in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of May 9, 2008, the Defendant CSC are not incorporated pursuant to the laws of New York, are not qualified to conduct business within the State of New York and have not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendant CSC.

4. I have inquired of Verizon Telephone Company whether the Defendant CSC can be located within this District. The Verizon Telephone Company has advised me that the Defendants do not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendant CSC within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendant CSC can be found within this District.

7. In that I have been able to determine that the Defendant CSC are not based in the United States of America and that I have found no indication that the Defendant CSC can be found within this District, I have formed a good faith belief that the Defendant CSC do not have sufficient contacts or business activities within this District

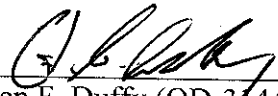
to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty and Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the Defendant CSC cannot be found within this District for the purposes of Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.


Dated: Port Washington, New York  
May 9, 2008

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiffs,  
MARTHA RUSS SCHIFFAHRT and  
ERNST RUSS GMBH & CO KG

By:

  
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Subscribed and sworn to before me this  
May 9, 2008

  
Notary Public, State of New York

TIMOTHY SEMENORO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02SE6112804  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES JULY 12, 2008